

## JASAUN ROBERT MATTICE-BEY,

V.

Defendants.

MEMORANDUM OF OPINION  
AND ORDER

Even liberally construed, the Complaint does not contain allegations reasonably suggesting Plaintiff might have a valid federal claim. Plaintiff's claims are barred because an

adjudication of those claims would imply the invalidity of his pending criminal charges. In general, a claim is not cognizable under 42 U.S.C. § 1983 if a judgment on the merits of those claims would affect the validity of a conviction, unless the conviction has been set aside. *See Edwards v. Balisok*, 520 U.S. 641, 646 (1997); *Heck v. Humphrey*, 512 U.S. 477, 486 (1994). The concerns of *Heck* apply pre-conviction as well as post-conviction. *Shamaeizadeh v. Cunigan*, 182 F.3d 391, 398 (6th Cir. 1999); *see Gorenc v. City of Westland*, No. 02-2456, 2003 WL 21782610 (6th Cir. July 31, 2003)(finding plaintiff's pre-trial challenge under §1983 to a speeding ticket is barred by *Heck* because it would necessarily imply the invalidity of the traffic citation).<sup>1</sup> *Heck* precludes § 1983 claims relating to pending charges when a judgment in favor of the plaintiff would necessarily imply the invalidity of any conviction or sentence that might result from prosecution of the pending charges. *Gorenc*, No. 02-2456, 2003 WL 21782610 at \* 2; *Beck v. City of Muskogee Police Dep't*, 195 F.3d 553, 557 (10th Cir. 1999). Thus, Plaintiff's claims are not cognizable under § 1983 unless and until the pending criminal proceedings are resolved in his favor.

Accordingly, this action is dismissed under section 1915A. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE

DATED: April 13, 2017

---

<sup>1</sup> *See also Adams v. Morris*, No. 03-5413, 2004 WL 193219 (6th Cir. Jan. 29, 2003)(holding that plaintiff's § 1983 challenge to the effectiveness of his trial counsel while the state criminal proceedings were still pending to be barred by *Heck*); *Thomas v. Pugh*, No. 00-6155, 2001 WL 522437 (6th Cir. May 9, 2001)(finding a pre-trial detainee's § 1983 claim that he was denied a speedy trial to be barred by *Heck*); *Alvarez-Machain v. United States*, 107 F.3d 696, 700-01 (9th Cir. 1996)(applying *Heck* to pre-trial detainees); *Hamilton v. Lyons*, 74 F.3d 99, 102-03 (5th Cir. 1996).